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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/676,345	09/29/2000	Nikolai Schlegel	PA000131	2184	
23696	7590 09/27/2004		EXAMINER		
Qualcomm 1	Incorporated	JAGANNATHAN, MELANIE			
Patents Depa		ART UNIT	PAPER NUMBER		
0 / / 0	CA 92121-1714	2666			
		DATE MAILED: 09/27/200	4		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner			Applicatio	n No.	Applicant(s)				
Melanie Jagannathan  2666  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 37 CPR 1.136(a). In no event, however, may a reply be timely filed after 50 (b) NAINT'S form the making idea of this correction of 37 CPR 1.136(a). In no event, however, may a reply be timely filed after 50 (b) NAINT'S form the making idea of this correction of 37 CPR 1.136(a). In no event, however, may a reply be timely filed after 50 (b) NAINT'S form the making idea of this communication of the correction of the making date of this communication.  I NO period for reply is a position deven, the maximum clastury prior the large task (b) MONTH'S from the making date of this communication.  Fallow to reply within the set or extended period for reply will, by statute, cause the application to bocome ABANDOREO (39 U.S.C. § 133).  Any way freeded by the Office due than three marking date of this communication.  Allow This action is FINAL.  29 [2] This action is FINAL.  20 [2] This action is fine action is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quay/e, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 is/are pending in the application.  42) Of the above claim(s) is/are allowed.  6) Claim(s) 1-11 and 18 is/are rejected.  7) The drawing(s) filed on 18/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if	Office Action Summary		09/676,34	5	SCHLEGEL ET AL.				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the proteins of 37 CPR 1.19(a). In no event, however, may a reply be timely filled effect SX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above, the mastinum statutory period will apply and will equal to SX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above, the mastinum statutory period will apply and will equal to SX (6) MONTHS from the mailing date of this communication.  If the period for reply a specified above, the mastinum statutory period will apply and will equal to SX (6) MONTHS from the protein of the statutory minimum of thirty (20) days, are reply within the statutory minimum of thirty (20) days, are reply within the statutory minimum of thirty (20) days will be considered timely.  If the period for reply specified is above, the mailing date of this communication, even if timely filled and the construction of the statutory of the statutory is specified above, the mastinum date of this communication, even if timely filled, may reduce any search gate the time disputation of the statutory o			Examiner		Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CFR 1.13(a). In no event, however, may a reply be timely filed after SIX (s) MONTHS from the mailing date of this communication.  If the period for reply is specified above, the maniform stations period will apply and will reply in SIX (s) days will be considered timely.  If NO period for reply is specified above, the maniform stations period will apply and will reply in SIX (s) days, will be considered timely.  If NO period for reply is specified above, the maniform stations period will apply and will reply in SIX (s) days will be considered timely.  If NO period for reply is specified above, the maniform station will apply and will reply filed. The station of the station is finely station and station and station are reply and station and station are reply and station and station and station are reply and station and station are station and station is final.  2b) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is a state withdrawn from consideration.  5) Claim(s) 1-20 is/are allowed.  6) Claim(s) 1-211 and 18 is/are rejected.  7) Claim(s) 1-217,19 and 20 is/are objected to.  8) Claim(s) 1-217,19 and 20 is/are objected to.  8) Claim(s) 1-217,19 and 20 is/are objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application papers are subject to restriction and/or election requirement.  Application papers  9) All by a comparison of the drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration									
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 9232002. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:	1) Notice 2) Notice 3) Inform	re of References Cited (PTO-892) re of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/0	08)	Paper No(s)/Mail Da 5) Notice of Informal P	ate	)-152)			

Art Unit: 2666

## **Double Patenting**

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-11, 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,714,599. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims of instant application disclose partitioning block of RAM into two sets of blocks, writing data according to predefined interleaving function, sequentially reading data symbols sets of RAM, partitioning blocks of RAM into sub-blocks of RAM, one sub-block for in-phase data symbols and other for quad-phase symbols, simultaneously reading sub-blocks to produce in-phase and quad-phase data symbols simultaneously.

## Allowable Subject Matter

3. Claims 12-17, 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3163.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie Jagannathan Patent Examiner AU 2666

MJ

FRANK DUONG BRIMARY EXAMINER